United Nations A/HRC/37/NGO/39

General Assembly

Distr.: General
6 February 2018

English only

Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the public organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-01731(E)
1801731

Please recycle

On the statement of His Beatitude Theophilos III Patriarch of Jerusalem concerning the rights violations of Christians and the threats to breach the Status Quo

Introduction

1. NGO "Public Advocacy" is a human rights organization in special consultative status with the UN Economic and Social Council, which enables us to promote the protection of human rights at the UN Human Rights Council as well as participate in meetings and conferences held by various international human rights bodies and mechanisms (our name in the ECOSOC database appears as Public Organization "Public Advocacy"). NGO "Public Advocacy" regularly submits human rights reports to the UN, the EU and other designated committees and commissions established by various international structures whose mandate is to protect human rights and ensure stability throughout the world.

2. This report sets forth the reAsociación Española para el Derecho Internacional de los Derechos Humanos AEDIDHasons why religious freedom of all religious communities under the jurisdiction of Israel must be promoted and protected, including the Orthodox Christians of the Jerusalem Patriarchate of the Greek Orthodox Church.

Religious freedom of the Orthodox Christian communities under pressure.

In July 2017 the heads of the Churches in Jerusalem were compelled to make a public statement of their concern in terms of breach of the Status Quo governing the Holy Sites and ensuring the rights and privileges of the Churches. This statement was further followed by another joint appeal in September 2017, stressing the following concerns over repeated encroachment on the Status Quo:

"We now find ourselves united once again in condemning recent further encroachment on the Status Quo. In such matters as this, the Heads of the Churches are resolute and united in our opposition to any action by any authority or group that undermines those laws, agreements, and regulations that have ordered our life for centuries.
We cannot stress strongly enough the very serious situation that this recent systematic assault on the Status Quo has had on the integrity of Jerusalem and on the well-being of the Christian communities of the Holy Land, as well as on the stability of our society."1

1. "The Bill of Church Lands".

On July 26th, an unprecedented draft law was put on the agenda of to the Knesset. It quickly gained support from about 40 lawmakers of the Knesset as their signatures appeared on the so called "Bill of Church Lands". All the Churches are deeply concerned about the unpredictable consequences following the adoption of the draft law, as it is directed at the severe restriction of their rights on the properties and lands they currently own.
According to Miss Anna Koulourism, Secretary at the Secretariat-General Office, who represented the Jerusalem Patriarchate at the 3rd Archon International Conference On Religious Freedom – The Persecution of Christians in the Middle East (Capitol Hill, Washington D.C. on December 5, 2017):

1 The appeal was signed by the following Patriarchs and Heads of Churches in Jerusalem: Patriarch Theophilos III, Greek Orthodox Patriarchate; Patriarch Nourhan Manougian, Armenian Apostolic Orthodox Patriarchate; Archbishop Pierbattista Pizzaballa, Apostolic Administrator, Latin Patriarchate; Fr. Francesco Patton, ofm, Custos of the Holy Land; Archbishop Anba Antonious, Coptic Orthodox Patriarchate, Jerusalem; Archbishop Swerios Malki Murad, Syrian Orthodox Patriarchate; Archbishop Aba Embakob, Ethiopian Orthodox Patriarchate; Archbishop Joseph-Jules Zerey, Greek-Melkite-Catholic Patriarchate; Archbishop Mosa El-Hage, Maronite Patriarchal Exarchate; Archbishop Suheil Dawani, Episcopal Church of Jerusalem and the Middle East; Bishop Munib Younan, Evangelical Lutheran Church in Jordan and the Holy Land; Bishop Pierre Malki, Syrian Catholic Patriarchal Exarchate; Msgr. Georges Dankaye', Armenian Catholic Patriarchal Exarchate. Find the full version of the statement here: http://www.jp-newsgate.net/en/2017/09/05/34706

*"It is the result of lobbying efforts from the Jewish National Fund and radical settler groups with a like-minded agenda to undercut the Churches, particularly the Patriarchate of Jerusalem, which is the largest property owner among them and which recently challenged the JNF for refusing to negotiate fairly on the extension of leases. Since July, a firestorm of baseless attacks in the media have fed into a campaign designed by the JNF [Jewish National Fund] to divert attention from their own errors and wrong-doing. Regardless of this bill's chance of passing into law, its mere concept and immediate backing by a third of the Knesset, already demonstrates a very dark reality. This is a turning point in which radical elements are fighting to strip Jerusalem of its multi-religious, multi-ethnic, and multi-cultural integrity"*2

In his supportive letter to the Patriarch of Jerusalem, Theophilos III and heads of Local Churches in Jerusalem, Vincent Cardinal Nichols, Archbishop of Westminster, President of the Catholic Bishops' Conference of England and Wales, states that:

"The Bill of Church Lands that has been proposed in the Knesset would grant the State the power to confiscate Church land. This proposal represents an intolerable infringement of the Status Quo and the legitimate rights of the Churches and should be recognised for what it is: an attack on the property rights of the Christian community.

We urge religious and political leaders in the United Kingdom and around the world to join us in speaking out against this threat to religious freedom, which would set a dangerous precedent for other faiths in the Holy Land.

*We also request those in authority in Jerusalem to act decisively to stop the actions of radical settler groups that seek to expand their control over properties in Jerusalem to the exclusion of residents of the City who are not Jewish."*3

In August 2017, at the press conference in Amman, the Patriarch of Jerusalem Theophilos III made a statement, asserting that the proposed draft law *"is a clear attempt to deprive Our 2,000-year-old Patriarchate, as well as Our fellow Churches present for centuries in the Holy Land, of our legitimate and historic freedom and independence. This intolerable bill, if passed, would be a clear violation of every international treaty that has governed the region, and would be an insupportable assault on the freedom of worship."*4

Historically, during the 19th century the Greek Orthodox Church acquired primarily for agriculture purposes some 4,500 dunams (1,110 acres) of real estate in the center of Jerusalem. This purchase made the Jerusalem Patriarchate the second biggest owner of land in Israel after the Israel Lands Authority. Afterwards, in the 1950s, just after Israel's independence, the Church agreed to lease its land to the Jewish National Fund (JNF) for 99 years with an option to extend for another 99 years. The Parliament of Israel (the Knesset) is also located on the lands owned by the Greek Orthodox Church. In 2011 and in 2016 respectively the Jerusalem Patriarchate signed two contracts with a view to sell the land to private investors.

2. "Jaffa Gate case".

Another issue regarding the infringements on religious freedom in Israel took place in July 2017 when the Jerusalem District Court issued its ruling against the Church mainly in terms of two landmark hotel buildings that belong to the Jerusalem Patriarchate on the right of ownership in the Old City's Jaffa Gate. In 2004, when the Patriarchate was headed by the now deposed Patriarch Irineos, an unauthorized contract for long-term leases was conducted with the radical settler group Ateret Cohanim.

This unlawful agreement has been challenged in court proceedings for ten years, *"during which it unequivocally proved that the person concluding the deal was not authorized by the Patriarchate, had received a bribe, that there was bad faith, conspiracy, and that agreements were made without the due authority of the Patriarchate. Despite the abundantly clear evidence, the Court ruled in favor of the settler group. An appeal has been filed, but a danger is materializing in*

2 http://www.jp-newsgate.net/en/2017/12/10/36398
3 http://catholicnews.org.uk/jerusalem-letter-191217
4 http://www.jp-newsgate.net/en/2017/08/12/34370

the meantime. These radical settler groups feel encouraged in their openly stated mission to "liberate the Holy Land from all non-Jewish elements."5

Miss Anna Koulourism, Secretary at the Secretariat-General Office, stresses that:
"Ateret Cohanim, and other radical settler groups, are propelled by an aggressive motive to remove non-Jews from Jerusalem, as well as certain Jews considered as non-conformant, and they're gaining ground, especially in the Old City, which is Jerusalem's crown and core. They use underhanded methods such as coercion and undue authority to acquire property, and in their view, "redeem the land." Jaffa Gate is one of the strategic centers for achieving this goal. It lies at the heart of the Christian Quarter and is the entryway artery to all the Churches' headquarters, as well as for hundreds of thousands of pilgrims who visit the Holy Sepulcher Church just meters away. If settlers gain control of this area via the Jaffa Gate properties and push out tenants with the type of intimidating and violent tactics they're notorious for using, they will be able to implement their vision to permanently change the Status Quo and work toward erasing the Christian presence from the Old City."6

Taking account of the abovementioned observations, we express our utmost concern about the current situation with religious freedom in Israel. We call on the international community and the responsible human rights bodies to immediately intervene into the evolving confrontation in Israel in order to prevent further encroachment on the Status Quo.

5 http://www.jp-newsgate.net/en/2017/12/10/36398
6 http://www.jp-newsgate.net/en/2017/12/10/36398